

Rosemarie E. Matera (REM-0999)  
Kurtzman Matera, P.C.  
664 Chestnut Ridge Road  
Spring Valley, New York 10977  
845-352-8800

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11  
Case No. 05-27041(ASH)

CIMA Group, Inc.,

Debtor.

----- x

CIMA Group, Inc.,

Plaintiff,

Adv. Pro. No. 07-08276(ASH)

- against -

Nicholas Pasalides, Joseph Woods,  
Mark Velzy, Michiel Boender and  
Edgewater Design, Inc., Edgewater  
Group Architects a/k/a Edgewater Group,

Defendants

----- x

**NOTICE OF MOTION FOR WITHDRAWAL OF THE REFERENCE  
AND APPROVAL OF THE STIPULATION WITHDRAWING THE REFERENCE**

**PLEASE TAKE NOTICE** that CIMA Group, Inc., Debtor, Debtor in Possession and Plaintiff in the above captioned adversary proceeding by and through its attorneys Kurtzman Matera, P.C., and based upon an Application and Stipulation Withdrawing the Reference on file with the Clerk of the United States Bankruptcy Court, will move at the United States District Court, 300 Quarropas Street, White Plains, New York 10601, on June 30, 2008 at 10:00 a.m. or as soon thereafter as counsel can be heard, for an order pursuant to 28 U.S.C. §157(e) and Federal Rule of Bankruptcy

Procedure 9015(b) withdrawing the reference of Adversary Proceeding No. 07-08276(ASH), and such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that responsive papers, if any, should be filed with the Court and served upon and received by Kurtzman Matera, P.C., Attn: Rosemarie E. Matera, Esq., 664 Chestnut Ridge Road, Spring Valley, New York 10977, no later Than June 23, 2008 and shall conform with the Federal Rules of Bankruptcy Procedure.

Dated: Spring Valley, New York  
May 15, 2008

Kurtzman Matera, P.C.  
Attorneys for Debtor, Debtor in Possession and Plaintiff  
664 Chestnut Ridge Road  
Spring Valley, NY 10977  
(845) 352-8800

By /s/ Rosemarie E. Matera  
Rosemarie E. Matera (REM-0999)

TO:

Stephen R. Lewis, Esq.  
Stephens, Baroni, Reilly & Lewis, LLP  
175 Main Street, Suite 800  
White Plains, NY 10601

Jeffrey A. Reich, Esq.  
Riech, Reich & Reich, PC  
175 Main Street, Suite 300  
White Plains, NY 10601

Rosemarie E. Matera (REM-0999)  
Kurtzman Matera, P.C.  
664 Chestnut Ridge Road  
Spring Valley, New York 10977  
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UNITED STATES BANKRUPTCY COURT  
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- against -

Nicholas Pasalides, Joseph Woods,  
Mark Velzy, Michiel Boender and  
Edgewater Design, Inc., Edgewater  
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Defendants

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**APPLICATION FOR WITHDRAWAL OF THE REFERENCE  
AND APPROVAL OF THE STIPULATION WITHDRAWING THE REFERENCE**

CIMA Group, Inc., Debtor, Debtor in Possession and Plaintiff in the above captioned adversary proceeding ("CIMA") by and through its attorneys Kurtzman Matera, P.C., respectfully submits this Application for Withdrawal of the Reference and Approval of the Stipulation pursuant to 28 U.S.C. §157(e) and Federal Rule of Bankruptcy Procedure 9015(b) and sets forth as follows:

1. CIMA filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code ("Bankruptcy Code") on December 13, 2005.

2. CIMA filed a complaint ("Complaint") against Nicholas Pasalides, Joseph Woods, Mark Velzy, Michiel Boender and Edgewater Design, Inc., Edgewater Group Architects a/k/a Edgewater Group (collectively "Defendants") on July 10, 2007, commencing Adversary Proceeding No. 07-08276.

3. The Complaint alleges causes of action including, *inter alia*, equitable fraud and breach of covenant of good faith and fair dealing which arose in accordance with, and under the laws and practice of the State of New York ("New York Causes of Action").

4. The New York Causes of Action are not core proceedings under 28 U.S.C. §157.

5. In the answers ("Answers") filed by the Defendants, consent is not offered to a determination of the New York Causes of Action by the Bankruptcy Court.

6. The Defendants have not, since the filing of their Answers, consented to a determination of the New York Causes of Action by the Bankruptcy Court.

7. The Complaint also alleges a cause of action for turnover against defendant, Nicholas Pasalides ("Turnover Cause of Action").

8. The Bankruptcy Court has agreed to retain jurisdiction to hear and decide any dispositive motions concerning the Turnover Cause of Action. A motion for summary judgment on the Turnover Cause of Action is presently returnable before the Bankruptcy Court on June 26, 2008.

9. The Bankruptcy Court set March 3, 2006 as the last day to file proofs of claim.

10. The Defendants have not filed proofs of claim with the Clerk of the Bankruptcy Court.

11. The Defendants timely demanded a jury trial in their Answers; and

12. Pursuant to 28 U.S.C. §157(e), the right to a jury trial applies to the Complaint.

13. 28 U.S.C. §157(e) allows the bankruptcy judge to conduct a jury trial only "with the express consent of all the parties".

14. In accordance with Federal Rule of Bankruptcy Procedure 9015(b), no statement of consent to having a jury trial conducted by the bankruptcy judge has been jointly or separately filed by the parties.

15. A Stipulation and Order Withdrawing the Reference which incorporates each of the representations set forth herein has been executed by the parties and is annexed hereto as Exhibit "A".

**WHEREFORE**, it is respectfully requested that the Motion seeking a withdrawal of the reference be granted, the Stipulation be "so ordered" by this Court and such other and further relief be granted as is just and proper.

Dated: Spring Valley, New York  
May 15, 2008

Kurtzman Matera, P.C.  
Attorneys for Debtor, Debtor in Possession and Plaintiff  
664 Chestnut Ridge Road  
Spring Valley, NY 10977  
(845) 352-8800

By /s/ Rosemarie E. Matera  
Rosemarie E. Matera (REM-0999)

TO:

Stephen R. Lewis, Esq.  
Stephens, Baroni, Reilly & Lewis, LLP  
175 Main Street, Suite 800  
White Plains, NY 10601

Jeffrey A. Reich, Esq.  
Riech, Reich & Reich, PC  
175 Main Street, Suite 300  
White Plains, NY 10601

# ***EXHIBIT “A”***

Rosemarie E. Matera (REM-0999)  
Kurtzman Matera, P.C.  
664 Chestnut Ridge Road  
Spring Valley, New York 10977  
845-352-8800

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

CIMA Group, Inc.,

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CIMA Group, Inc.,

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- against -

Nicholas Pasalides, Joseph Woods,  
Mark Velzy, Michiel Boender and  
Edgewater Design, Inc., Edgewater  
Group Architects a/k/a Edgewater Group,

Defendants  
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**STIPULATION AND ORDER  
WITHDRAWING THE REFERENCE**

This Stipulation and Order Withdrawing the Reference ("Stipulation") is made by and between CIMA Group, Inc. ("CIMA"), the debtor and debtor in possession herein and plaintiff in Adversary Proceeding No. 07-08276 ("Adversary Proceeding") by and through its attorney, Kurtzman Matera, P.C. and Nicholas Pasalides, Joseph Woods, Mark Velzy, Michiel Boender, Edgewater Design, Inc., and Edgewater Group Architects a/k/a Edgewater Group, defendants

(collectively "Defendants") in the Adversary Proceeding, by and through their attorneys, Reich, Reich & Reich, P.C. and Stephens, Baroni, Reilly & Lewis, LLP.

**WHEREAS**, CIMA filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code ("Bankruptcy Code") on December 13, 2005; and

**WHEREAS**, CIMA filed a complaint ("Complaint") against the Defendants on July 10, 2007, commencing the Adversary Proceeding; and

**WHEREAS**, the Complaint alleges causes of action including, *inter alia*, equitable fraud and breach of covenant of good faith and fair dealing which arose in accordance with, and under the laws and practice of the State of New York ("New York Causes of Action"); and

**WHEREAS**, the New York Causes of Action are not core proceedings under 28 U.S.C. §157; and

**WHEREAS**, in the answers ("Answers") filed by the Defendants, consent is not offered to a determination of the New York Causes of Action by the Bankruptcy Court; and

**WHEREAS**, the Defendants have not, since the filing of their Answers, consented to a determination of the New York Causes of Action by the Bankruptcy Court; and

**WHEREAS**, the Complaint also alleges a cause of action for turnover against defendant, Nicholas Pasalides ("Turnover Cause of Action"); and

**WHEREAS**, the Bankruptcy Court will retain jurisdiction to hear and decide any dispositive motions concerning the Turnover Cause of Action; and

**WHEREAS**, the Bankruptcy Court set March 3, 2006 as the last day to file proofs of claim; and

**WHEREAS**, the Defendants have not filed proofs of claim with the Clerk of the Bankruptcy Court; and

**WHEREAS**, the Defendants timely demanded a jury trial in their Answers; and



**WHEREAS**, pursuant to 28 U.S.C. §157(e), the right to a jury trial applies to the Complaint;  
and

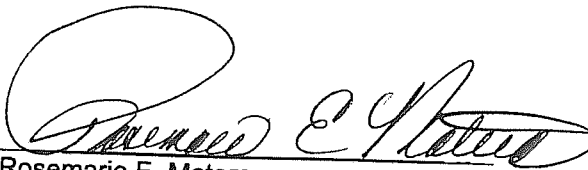
**WHEREAS**, 28 U.S.C. §157(e) allows the bankruptcy judge to conduct a jury trial only "with  
the express consent of all the parties"; and

**WHEREAS**, in accordance with Federal Rule of Bankruptcy Procedure 9015(b), no  
statement of consent to having a jury trial conducted by the bankruptcy judge has been jointly or  
separately filed by the parties.

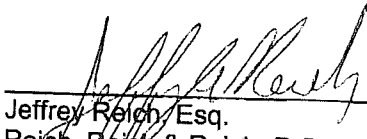
**NOW, THEREFORE**, in consideration of the premises herein, the parties hereby stipulate  
and agree as follows:

1. The reference as it concerns the Adversary Proceeding be and the same hereby is  
withdrawn.
2. The Bankruptcy Court will retain jurisdiction to hear and decide dispositive motions  
concerning the Turnover Cause of Action.
3. The Clerk of the Bankruptcy Court shall convey the record of the Adversary  
Proceeding to the Clerk of the United States District Court.
4. A notation shall be placed on the docket of the Adversary Proceeding, as such  
record is maintained by the Clerk of the Bankruptcy Court, indicating that the reference has been  
withdrawn.

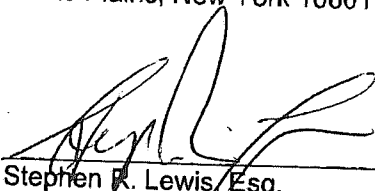
Dated: Spring Valley, New York  
April 28, 2008

  
Rosemarie E. Matera  
Kurtzman Matera, P.C.  
Attorneys for Debtor and Plaintiff  
664 Chestnut Ridge Road  
Spring Valley, New York 10977  
(845) 352-8800

Dated: White Plains, New York  
April 23, 2008

  
\_\_\_\_\_  
Jeffrey Reich, Esq.  
Reich, Reich & Reich, P.C.  
Attorneys for Defendants  
175 Main Street, Suite 300  
White Plains, New York 10601

Dated: White Plains, New York  
April 23, 2008

  
\_\_\_\_\_  
Stephen R. Lewis, Esq.  
Stephens, Baroni, Reilly & Lewis, LLP  
Attorneys for Defendants  
175 Main Street, Suite 800  
White Plains, New York 10601

Dated: White Plains, New York  
April \_\_\_\_\_, 2008

\_\_\_\_\_  
United States Bankruptcy Judge

Dated: White Plains, New York  
April \_\_\_\_\_, 2008

\_\_\_\_\_  
United States District Court Judge

Rosemarie E. Matera (REM-0999)  
Kurtzman Matera, P.C.  
2 Perlman Drive  
Spring Valley, New York 10977  
845-352-8800

UNITED STATES BANKRUPTCY COURT  
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Mark Velzy, Michiel Boender and  
Edgewater Design, Inc., Edgewater  
Group Architects a/k/a Edgewater Group,

Defendants

----- x

**AFFIDAVIT OF SERVICE**

State of New York                    )  
County of Rockland                )ss

**Sherry Kramer**, being duly sworn, deposes and says:

1. I am over 18 years of age and am not a party to this action and I reside at Pomona, New York.

2. On May 15, 2008, I served a true copy of the **Notice of Motion for Withdrawal of the Reference and Approval of the Stipulation Withdrawing the Reference** by depositing the same via First Class Mail in a sealed envelope with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to:

Jeffrey A. Reich, Esq.  
Reich, Reich & Reich, PC  
175 Main Street, Suite 300  
White Plains, NY 10601

Stephen R. Lewis, Esq.  
Stephens, Baroni, Reilly & Lewis, LLP  
175 Main Street, Suite 800  
White Plains, NY 10601

Office of U.S. Trustee  
33 Whitehall Street  
New York, NY 10004

/s/ Sherry Kramer  
Sherry Kramer

Sworn to before me this  
15<sup>th</sup> day of May, 2008

/s/ Donna B. Paz  
Notary Public

Donna B. Paz  
Notary Public, State of New York  
No. 01PA5066620  
Qualified in Rockland County  
Commission Expires September 30, 2010